UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 3, 2012

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Beveridge & Diamond, PC
456 Montgomery Street, Suite 1800
San Francisco, CA 94104

RE: Yosemite Slough Site, San Francisco, California

Dear Nico:

The purpose of this letter is to discuss your letter dated February 3, 2012 which recommends that a new hydrodynamic study be performed to establish the boundaries of the Yosemite Slough Sediment Site (Site). EPA disagrees with this recommendation. EPA believes sufficient information is available to define the approximate site boundary for the EECA alternative analysis. This letter will summarize the rational for our conclusion.

During the non-time critical removal action development process, EPA has consistently stated that the Site boundary shall be defined in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (NCP). Under the statute and its implementing regulations, the definition of a facility includes "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located...." 42 USC §101(9), 40 CFR §300.5. EPA has indentified the sources of contaminants for the Yosemite Slough Site to be discharges from the three City of San Francisco sewer outfalls (i.e. historic releases from the Yosemite, Griffith, and Fitch sewer outfalls) and stormwater run-off from properties adjacent to the Slough which may have contained Site contaminants of concern (COC). The preliminary Site boundary map that EPA presented at its January 25, 2012 Yosemite Slough Technical Stakeholder Committee meeting is consistent with the provisions of CERCLA and the NCP and is further supported by the following technical facts:

- The total PCB and other site COC sediment iso-concentrations within the preliminary site boundaries show a pattern consistent with decades of releases from the Site primary contaminant sources, as described above, in both the inner slough and the mouth of the slough. The sediment COC iso-concentrations are derived from both the EPA's 2011 Removal Assessment Report and the Navy's 2008 Parcel F Feasibility Study report. The COC concentrations from both reports are easily combined to show a consistent pattern of higher concentrations near the Site primary sources and lower concentrations away from these sources.

See Attachment A: Parcel F Feasibility Study Figure 4-12 and Ecology & Environment PCB Congeners Contours Profile.

- The aerial photographs from 1946 to 1990 demonstrate a consistent outward flow of sediments from the inner slough and the Fitch outfall forming a classic alluvial fan formation of sediments at the mouth of the slough. See Attachment B: Aerial Photograph. Based on the Noble Engineering hydrodynamic study, the inward flow of tidal waters during high tide events is not sufficient to transport sediments from the South Basin into the inner slough. See Hydrodynamic Modeling, Wave Analysis And Sedimentation Evaluation For The Yosemite Canal Wetland Restoration Project, Nobel Consultants Inc., September 2005, prepared for California State Parks Foundation. The hydrodynamic study states: "[c]irculation in the South Basin was found to be very restricted and the tidal currents are weak." Furthermore, the study suggests that tides would not bring materials into Yosemite slough. "Similar to that for the existing condition, minor scouring will occur in most of Yosemite Canal, with an erosion rate less than 1 centimeter per year, and insignificant sedimentation will occur in most of the South Basin and in the furthest end of the canal." Sediments in the South Basin are coarser grain materials that would require a strong tidal force to overcome the predominant outward flow that occurred over the critical decades when hazardous substances were discharged and when City of San Francisco sewers overflowed in significant regularity and volume.

- The sedimentation rates in the inner slough and South Basin support a net outward flow of sediments. This suggests that contaminants have migrated outward from Yosemite slough into the South Basin. This conclusion is supported by the fact that the PCB concentrations generally are higher in and near the mouth of the slough, then decrease moving away from the slough and the Fitch outfall. Concentrations then increase again approaching the Navy's Parcel E shoreline. These observations strongly suggest there are at least two separate sites. EPA agrees that contaminants from the two sites have potentially commingled in parts of the South Basin. However, based on the existing hydrodynamic and analytical data and other supporting information, it's also clear that contamination from Yosemite Slough has come to be located in the South Basin. Furthermore, EPA in not aware of a physical mechanism that would transport impacted sediments from Hunters Point Shipyard Parcel E-2 into the slough and accumulate at higher concentrations directly adjacent to the sewer outfalls.

Your letter correctly states that EPA is evaluating existing hydrodynamic data regarding Yosemite Slough and South Basin for purposes of alternative screening and analyzing alternative implementability in the EECA. EPA has completed its evaluation of the existing study by Noble Engineering and we have concluded that such a study is sufficient for purposes of alternative analysis in the EECA.

Your letter also correctly states that EPA believes that a bathymetric study may be needed during the remedial design stage to gauge certain design parameters concerning backfill type, thickness of any backfill covers (if any), and other design considerations to maximize the durability of the selected remedy. However, at no time did EPA express support for a bathymetric study for the purposes of defining the site boundary. Bathymetric studies are not and have never been intended to delineate site boundaries at CERCLA sites. EPA currently believes that a bathymetric survey will not assist with Site delineation. If the Site PRPs collectively decide to commence a study now for the purposes of internal allocation of responsibility, EPA encourages such work if it will lead to a timely resolution and settlement with EPA regarding implementing and/or financing the response action at the Site.

As you are aware, with Site contamination extending into the South Basin, the Site includes property owned by the US Navy as part of Parcel F of the Hunters Point Naval Shipyard Superfund site. EPA is in discussions with the Navy regarding the Navy's potential role in addressing Yosemite Slough Site contamination in the future. Although that role has not been defined by the agencies at this point, EPA anticipates some degree of Navy involvement in addressing Site contamination located on Navy property.

EPA will continue to gather technically sound information to further refine the Site boundary throughout the EECA process and the remedy design phase. We are committed to working with Site PRPs in this matter. However, EPA believes that sufficient information is available for purposes of defining approximate Site boundaries for an EECA alternative analysis.

Sincerely,

Thanne Cox
Senior Counsel

cc: Craig Cooper, EPA
Melinda Dragone, EPA